

TOWN OF EMPIRE  
30 East Park Avenue –P.O. Box 100 Empire CO 80438-0100  
303/569-2978 – 303/569-2282 fax

**Board of Trustees**  
October 19, 2021

**1. Call to Order**

The meeting was called to order at 6:33 PM.

The meeting was held in person and through Zoom – a web-based video conferencing platform. It took several minutes to confirm that everyone could see and hear the meeting.

**2. Roll Call**

**Present:** Mayor Wendy Koch, Mayor Pro-Tem Linda Robertson, Trustee Denise Tennant, Trustee Lisa Kunze, Police Chief John Stein, Town Attorney Brandon Dittman, Town Clerk Jeannette Piel.

**A quorum was present at the meeting.**

**3. Approval of Agenda**

**TRUSTEE KUNZE MOTIONED TO APPROVE THE AGENDA FOR OCTOBER 19, 2021, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

**4. Approval of Consent Agenda. These items will be approved collectively with one vote.**

- a. **Approval of Minutes from September Regular Meeting**
- b. **Approval of August Bills**
- c. **Approval of September Bills**

**TRUSTEE TENNANT MOTIONED TO APPROVE THE CONSENT AGENDA FOR OCTOBER 19, 2021, TRUSTEE KUNZE PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

**5. Resolutions:**

- a. **Resolution 21-10 - A Resolution of the Town of Empire, Colorado Authorizing the Mayor to Execute All Agreements and to Perform All Other Actions Necessary to Join the Colorado Opioids Settlement Memorandum of Understanding**
  - **Exhibit 1 – The Colorado Opioid MOU**
  - **Exhibit 2 – Johnson & Johnson – Jansen Opioid Settlement Participation Form**
  - **Exhibit 3 – Distributor Opioid Settlement Participation Form**
  - **Exhibit 4 – Local Government Opioid Escrow Agreement**
  - **Colorado Opioid MOU FAQ**
  - **Colorado Opioid MOU Summary**

**TRUSTEE ROBERTSON MOTIONED TO ADOPT RESOLUTION 21-10: A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND TO PERFORM ALL OTHER ACTIONS NECESSARY TO JOIN THE COLORADO OPIOIDS SETTLEMENT MEMORANDUM OF UNDERSTANDING, TRUSTEE TENNANT PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN**

**FAVOR, MOTION PASSED.**

The Resolution is effective immediately.

**6. Review of the 2022 Proposed Budget to the Town of Empire Board of Trustees:**

- a. If there are no questions or objections, the Town will hold a public hearing at the next meeting to approve the 2022 Budget.

**7. Announcement:**

- a. Michael Ellington has resigned from the Board of Trustees. Michael has been a great help with the maintenance of our Dog Park and our Dog Waste Stations, and he will continue serving in that role. We thank him for his help, and we are grateful for his continued commitment to the Dog Park and to our Town.

**8. Presentation of Candidates to Fill Three Vacant Board of Trustee Positions for the Town of Empire:**

- a. We have received three letters of intent to join the Board of Trustees for the remainder of the current term.
  - i. Susan Owen
  - ii. Shannon Hickman
  - iii. Lorry Singmaster
- b. Vote on Board Appointments.
- c. Oath of Office for Board Appointments.

**9. Presentation of Candidate to Fill One Vacant Planning Commission Position for the Town of Empire:**

- a. We have received one letter of intent to join the Planning Commission for the remainder of the current term.
  - i. Tony Robertson
- b. Appointment to Planning Commission.

**10. Discussion to Set Annexation Fees for Harmony Domes.**

**11. Update – Information on Recycled Asphalt Millings.**

- Gary Hague, Environmental Health Manager, from Clear Creek County met with the town staff to discuss the recycled asphalt millings (RAP). Gary informed the staff that OSHA does not classify RAP as dangerous, and there are no uses that are advised against. He explained that we do not live in an area that has an acid rain concerns and therefore, the runoff levels from the millings are not a threat. He said that it would take approximately the amount of 94 bathtubs full, in a confined space, for long periods of time, before causing any potential health concerns. Gary provided the town staff with a study completed by the EPA which stated that the RAP must have extended exposure to a strong heat source to create toxic levels. However, the exposure to sunlight does not generate enough heat to create these levels. According to the EPA report, if anything is leached from the asphalt millings, it would be below limit values for drinking water and pose a limited risk. He stated that everything has a level of toxicity including water, however, the EPA and the county look at the acceptable levels, and therefore are not concerned with RAP use or long-term storage.

- According to the U.S Department of Transportation Federal Highway Administration, environmental stewardship is designated as a major focus area of the United States Department of Transportation (DOT) strategic plan. According to the Environmental Protection Agency (EPA), environmental stewardship is the responsibility for environmental quality shared by all those whose actions affect the environment. The Federal Highway Administration (FHWA) supports and promotes the use of recycled highway materials in pavement construction in an effort to preserve the natural environment, reduce waste, and provide a cost-effective material for constructing highways. In fact, the primary objective is to encourage the use of recycled materials in the construction of highways to the maximum economical and practical extent possible with equal or improved performance. As part of the FHWA recycled materials policy, the FHWA actively promotes asphalt pavement recycling and technology.

## **12. Public Comment**

- Emily Andrews and Al Gillespie inquired about the Harmony Domes project. Clerk Piel explained that the developers will address the board at a Public Hearing later in the process, and anyone wanting to view the documents for the project will need to fill out a CORA request and view the documents in Town Hall.
- Sally Rush commented that the Picnic Area at Minton Park looks 99% better and inquired about the timing for topsoil and reseeded.
- Trustee Robertson asked about the concrete barriers that the Town will use for parking barriers. She inquired about using decorative rock. Mayor Koch and Chief Stein explained how expensive a rock wall would be, the barriers were given to us for free, and a rock wall could easily be damaged by cars whereas the concrete barriers are designed to withstand impact, making them a better barrier for our parking areas that border a slope or drop off.
- Sally Rush asked what items would be on the agenda for the Planning Commission. Some inquiries about short-term rentals have been made, but nothing is on the agenda yet.

## **13. Reports**

- a. Budget: Report was given as an agenda item.
- b. Mayor: (CCEDC, CDOT, CCFA)
  - i. The Town of Empire is looking for Town Residents to fill Two Volunteer Positions on the Empire Planning Commission. Applicants must be a resident of Empire for at least one year.
  - ii. CDOT funding has been approved for a proposed Wildlife Bridge over Hwy 40 east of Town, just west of the Empire Junction intersection. The Town of Empire has participated in Stakeholder meetings to discuss the design and the location of the wildlife fencing. The project is at 30% design.
- c. Police:
  - i. Chief Stein will provide a monthly report with stats and updates.
  - ii. Chief Stein is facilitating the Traffic Safety Task Force, with an initial meeting in November.

- iii. Free Gun locks are available in the Town Offices.
- d. Events:
  - i. October 30<sup>th</sup> – Trick-or-Treat in the Park and Chili Cookoff. We are planning to have trick-or-treating in Theobald Park from 4-5 pm, and a Chili Cookoff and potluck in Town Hall from 5-7 pm on Saturday, October 30<sup>th</sup>. Halloween is on Sunday October 31<sup>st</sup>. Details were in the October Newsletter, please contact the Clerk if you would like to volunteer for this event!
- e. Admin:
  - i. Census Data – Population estimate for the Town of Empire is 343.
- f. Public Works: (Parks, Streets)
  - i. The Town is consulting the CSU extension office on the timing for topsoil and grass seed on the Minton Park open field.
  - ii. Graham construction has donated concrete barriers to the Town. They will be used as safety barriers for parking. Most of the parking area along Cemetery Road has a drop off that could be very dangerous. So, as we improve the parking area, we need to put those barriers there so that people can't accidentally drive off the edge, especially in the dark. We also have an area in Theobald Park where the railroad ties have rotted out, and we will replace them with the concrete barriers for safety. We have some ideas for a beautification project that will improve the look of the barriers as well.

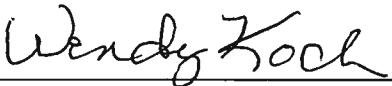
We will not be keeping all the concrete barriers that are in the Ball Placer at the moment. Some will be picked up by other contractors. We are collecting a storage fee for the barriers that are not ours.
- g. Water/Wastewater:
- h. Planning Commission:
  - i. All Planning Commission meetings are in-person with remote access.
  - ii. This month, the Planning Commission will hold a Master Plan Workshop on Tuesday, October 26<sup>th</sup>, 2021, at 6:00 pm, and a regular meeting on Wednesday, October 27<sup>th</sup>, 2021, at 6:30 pm.

**14. New Business**

**15. The Next Board of Trustees Regular Meeting is November 16<sup>th</sup>, 2021, at 6:30 pm. In-person with remote access.**

**16. Adjourn Meeting**

The meeting was adjourned at 7:38 PM.

  
\_\_\_\_\_  
(mayor)

  
\_\_\_\_\_  
(town clerk)